

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 181

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO RETAIL SALES OF PSEUDOEPHEDRINE PRODUCTS; AMENDING SECTION 37-3303, IDAHO CODE, TO REVISE THE AMOUNT OF GRAMS OF PSEUDOEPHEDRINE THAT CAN BE SOLD, TRANSFERRED OR FURNISHED BY A RETAILER IN A SINGLE TRANSACTION, TO PROVIDE A DAILY SALES LIMIT, TO REVISE A THIRTY DAY PURCHASE LIMIT, TO PROVIDE FOR A LOGBOOK OF SALES OF PSEUDOEPHEDRINE PRODUCTS, TO REMOVE A DISTRIBUTION OR SALE REQUIREMENT AND TO REQUIRE THAT THE PURCHASER PRESENTS CERTAIN PHOTOGRAPHIC IDENTIFICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-3303, Idaho Code, be, and the same is hereby amended to read as follows:

37-3303. LIMITATIONS ON SALES AND PURCHASES. (1) It shall be unlawful for any retailer to knowingly sell, transfer or otherwise furnish in a single transaction a pseudoephedrine product or products containing more than ~~nine~~ three and six-tenths (3.6) grams of pseudoephedrine.

(2) It shall be unlawful for any person to knowingly purchase from a retailer more than the daily sales limit of a pseudoephedrine product or products containing three and six-tenths (3.6) grams per purchaser or more than nine (9) grams of pseudoephedrine ~~from a retailer~~ in a single thirty (30) day period, regardless of the number of transactions.

(3) The retailer shall maintain a written or an electronic logbook for each pseudoephedrine product sale.

(a) The logbook shall identify:

(i) The name of the product sold;

(ii) The quantity of the product sold;

(iii) The name and address of the product purchaser; and

(iv) The date and time of the sale.

(b) The purchaser must sign the logbook and enter his name, address and date and time of sale.

(c) The retailer must:

(i) Enter into the logbook the name of the product and the quantity sold;

(ii) Determine that the name entered by the purchaser into the logbook corresponds to the name provided in the photographic identification card described in subsection (4) of this section and that the date and time entered by the purchaser are correct; and

(iii) Maintain each entry in the logbook for not less than two (2) years from the date of the entry.

1 (d) The retailer must make the logbook available to federal, state and local law
2 enforcement agencies upon request.

3 (i) Accessing, using or sharing the logbook information for any purpose other
4 than to comply with federal law, the uniform controlled substances act, chapter 27,
5 title 37, Idaho Code, or to facilitate a product recall to protect public health and
6 safety is prohibited.

7 (ii) A retailer who in good faith releases logbook information to federal, state
8 or local law enforcement authorities shall be immune from civil liability for such
9 release unless the release constitutes gross negligence or intentional, wanton or
10 willful conduct.

11 (e) The logbook requirements of this subsection do not apply to any purchase by an
12 individual of a single sales package that contains not more than sixty (60) milligrams of
13 pseudoephedrine.

14 (4) ~~At the time of distribution or sale of a pseudoephedrine product or products, the~~
15 retailer shall ensure that not sell the pseudoephedrine product unless the purchaser presents a
16 government issued photo photographic identification card issued by a state or by the federal
17 government.